



3-05-0

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Galen R. Hatfield
Serial No.: 09/268,892
Filing Date: March 16, 1999
Title: AUTHENTICATION SYSTEM AND METHODOLOGY

Group Art Unit: 2881
Examiner: K. Nguyen
Docket No.: D-43025-01

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OFFICE OF PETITIONS

Commissioner for Patents
Washington, D.C. 20231

PETITION UNDER 37 CFR §1.181 FROM PREMATURE FINAL REJECTION

Applicant petitions under 37 CFR §1.181 for withdrawal of the premature final rejection of the above-identified application.

The Office Action mailed August 27, 2002 was made final. Applicant requested reconsideration and withdrawal of the finality of that Office Action in the Response mailed January 27, 2003. The Advisory Action mailed February 25, 2003 failed to address Applicant's request for reconsideration and withdrawal of the finality of the August 27, 2002 Office Action.

The August 27, 2002 Office Action reopened the prosecution of this case to enter the following new grounds of rejection after Applicant's Appeal Brief was filed:

- i) indefiniteness of claims 17-20 and 22-37 (Office Action mailed August 27, 2002 at page 2);
- ii) anticipation of claim 25 in view of Regulla et al, "Dosimetry by ESR Spectroscopy of Alanine," Int. J. Appl. Radiat. Isot., Vol. 33, pp. 1101-1114 (1982) ("Regulla") (*id.* at page 3); and
- iii) obviousness of claims 3, 9, 24, and 27-37 in view of Regulla (*id.* at page 4).

For an Office Action containing a new ground of rejection to be made final after reopening prosecution after filing of the appeal brief, the new ground of rejection must be either:
1) necessitated by an amendment or 2) based on information presented in an information disclosure statement under 37 C.F.R. §1.97(c). (MPEP §1208.02.)

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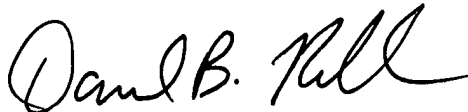
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In the present case, the above new grounds of rejection were not necessitated by an amendment. Further, the Regulla reference that is newly applied against claims 3, 9, 24-25, 27-35, and 37 in the August 27, 2002 Office Action was not submitted under 37 C.F.R. 1.97(c).

Accordingly, Applicant respectfully requests withdrawal of the finality of the Office Action mailed August 27, 2002 that reopened prosecution of this case.

Please charge the \$130 petition fee believed due under 37 CFR §1.17(h), or the appropriate petition fee, to Deposit Account no. 07-1765. Additionally, the undersigned authorizes the Patent Office to charge any additional fees which are or become due and credit any overpayments made to that same account.

Respectfully submitted,



Daniel B. Ruble
Registration No. 40,794

Sealed Air Corporation
P.O. Box 464
Duncan, SC 29334
864-433-2496

Date: March 4, 2003